

ALARMS

Chapter 32

ALARMS

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[HISTORY: Adopted by the Board of Trustees of the Village of Cold Spring 4-14-1993 as L.L. No. 1-1993. Amendments noted where applicable.]

GENERAL REFERENCES

Noise - See Ch. 76.

§ 32-1. Short title.

This chapter shall be known as the "Automatic Alarm Permit Law."

§ 32-2. Purpose.

It is the purpose of this chapter to protect and promote the health, safety and general welfare of the residents of the Village of Cold Spring by reducing the number of avoidable alarms to emergency agencies. Avoidable alarms contribute to ineffective utilization of public safety manpower and equipment. In addition, avoidable alarms require emergency responses which may contribute to a high accident rate and delay responses to genuine emergencies. This chapter seeks to ensure that emergency communications facilities will be available to dispatch emergency services personnel for actual emergencies and to alleviate the nuisance of audible alarms to the surrounding community. Another purpose of this chapter is to contact responsible people to notify them of the activation of the alarm.

§ 32-3. Definitions.

For the purpose of this chapter, the following definitions shall apply:

ALARM DEVICES - Any device which, when actuated by a fire or other emergency requiring Fire or Police Department or EMS response, transmits a prerecorded message or other signal by a telephone, radio or other means to a central alarm station or directly to the Fire Company, Police Department or EMS.

ALARM INSTALLATION - Any fire, intrusion or EMS alarm device or aggregation of such devices installed on or within a single building or within more than one (1) building or an area adjacently located on a common site at a specific location.

CENTRAL ALARM STATION - Any facility operated by a private firm that owns or leases a system of said devices, which facility is manned by operators who receive, record or validate alarm signals and relay information about such validated signals to emergency services when appropriate.

DIAL ALARM - Any alarm device which is a telephone device or telephone attachment that automatically or electronically selects a telephone line connected

to a central alarm station and reproduces a prerecorded message to report an emergency requiring fire or protective services.

DIRECT ALARM - Any alarm device connected directly by leased telephone wires from the specified location to the Fire or Police Department.

EMERGENCY ALARM - Any alarm device designed to be actuated by a fire or other emergency at a specific location.

EMS - Philipstown Volunteer Ambulance Corps.

FALSE EMERGENCY ALARM - Any signal actuated by an emergency alarm to which the Fire Department, Police Department, or EMS responds which is not the result of a fire or other emergency.

FIRE DEPARTMENT - The Cold Spring Fire Company No. 1.

LICENSING AUTHORITY- The Village of Cold Spring.

PROTECTIVE SERVICES - Village of Cold Spring Police, Putnam County Sheriff, New York State Police.

§ 32-4. Compliance required.

Any property owner or lessee of property in the Village of Cold Spring having on his or its premises an alarm device or system of alarm devices shall apply to the licensing authority for a permit to own or otherwise have such device on his or its premises. The application shall contain provisions relating to the device or system of devices installed or to be installed on the premises. No such device may be installed on the premises of the owner or lessee and no presently existing alarm device complying with the provisions of this chapter shall be modified after the effective date of this chapter prior to the licensing authority's having issued a permit to such owner or lessee. Such permit shall be valid for three (3) years from issuance and must be renewed upon expiration. All systems will be subject to inspection before renewal of permit.

§ 32-5. Fees.

A. License and permit fees shall be as follows:

- (1) Residential: owner or lessee permit:
 - (a) Initial permit: twenty-five dollars (\$25).
- (2) Commercial: owner or lessee permit:
 - (a) Initial permit: fifty dollars (\$50).
- (3) Commercial/residential permit, combination alarm for business and more than one (1) dwelling unit:
 - (a) Initial permit: seventy-five dollars (\$75).
- (4) Industrial: owner or lessee permit:
 - (a) Initial permit: one hundred dollars (\$100).

B. There shall be no fee for renewal of permits.

§ 32-6. Permit required; fee exemptions.

Permits shall be required for alarm systems located in buildings of federal, state or local governmental agencies or authorities or in public elementary or secondary schools and public libraries, and said alarm systems shall meet the other requirements of this chapter, including liability for civil penalties for its violation; provided, however, that such alarm systems shall be exempt from permit fees, and no other provisions shall be made directing the use of such alarm systems, nor shall they be discontinued, nor shall their permits be suspended or revoked.

§ 32-7. Possession or use without permit prohibited.

No person shall possess or use an alarm system without first applying for and receiving an alarm permit therefore in accordance with the provisions of this chapter.

§ 32-8. Minimum standards and regulations.

The Fire Inspector may prescribe minimum standards and regulations for the construction and maintenance of all alarm systems installed within the Village. These standards and regulations shall become effective upon adoption thereof by resolution of the Village Board of Cold Spring. All devices shall meet or exceed such standards and regulations before permits may be issued pursuant to this chapter. The Fire Inspector may require inspection and approval of all alarm systems installed within the Village of Cold Spring. The Fire Inspector may prescribe a certification form to be completed by licensees certifying that an alarm system has been inspected and/or maintained by the licensee and the alarm system conforms to said minimum standards. Installation shall comply with National Fire Protection Association (NFPA) 72A through E or other applicable generally accepted standards in effect at the time of installation.

§32-9. Maintenance.

- A. All alarm systems must be properly maintained at all times. Buildings that are required by law to have fire alarm systems may not be occupied by the public if the system is not operational.
- B. All alarm systems must be tested annually by a qualified installer and have certification on the equipment stating when the system was serviced.
- C. If the Fire/Building Inspector or the Fire Chief of the fire district in which the premises is located shall determine that the alarm system is malfunctioning and causing a dangerous situation for the men and equipment of the Fire Department, the system shall be ordered disconnected from the lease line or central station, and the owner or occupant shall comply with such order. The system shall not be reconnected until the system is deemed to be in proper operating condition by a qualified installer submitting a certificate so stating to the Fire Inspector.

§32-10. Maintenance permit; response time.

- A. Every person engaged in the business of repairing, servicing, altering, replacing, removing, designing, selling, leasing, maintaining or installing alarm systems shall carry on his person at all times while so engaged a valid identification card in the form approved by the laws of the State of New York and shall display such permit to the Fire Inspector, Fire Department officer or any peace officer upon request.
- B. Every alarm installer or business engaged in the maintenance and servicing of alarm systems shall be able to respond to the location of the alarm installation within one (1) hour after the request of his presence at said location by a Fire Department official.

§ 32-11. Display of alarm permit.

Such permit shall be kept on the premises where the alarm system is located. The Fire Inspector may issue an appropriate permit identification tag and establish requirements for its posting.

§ 32-12. Notice of change.

Whenever any change occurs relating to the written information required by this chapter, the applicant or permittee shall give written notice thereof to the Village Board within twenty (20) days after such change.

§ 32-13. Investigation of violation.

- A. The Fire Inspector or his designee shall investigate written reports of each alleged avoidable alarm or alleged violations of this chapter. Notice of said written report alleging violation shall be given to the subscriber.
- B. The person alleged in violation of this chapter shall be given notice of the investigation and an opportunity to be heard during the investigative process. The Fire Inspector may hold a hearing if, in his discretion, it is deemed appropriate.
- C. Upon completion of his investigation, the Fire Inspector shall make a determination which shall be final. The Fire Inspector shall give notice of said decision to the person alleged to be in violation and to the party who made the report which initiated the investigation.
- D. A final determination of the Fire Inspector may be appealed pursuant to Article 78 of the Civil Practice Law and Rules.

§32-14. Suspension.

- A. If a person is found to be in violation of this chapter, the Fire Inspector shall serve the person determined to be in violation with a written order of suspension. The said order shall be effective immediately, if personally served, or three (3) business days after the same has been deposited with the United States Postal Service.
- B. Immediately upon such an order becoming effective, the person in violation shall discontinue use of any alarm system requiring a permit issued pursuant to this chapter and cease all operations conducted under the authority of any permit issued pursuant to this chapter.

§32-15. Revocation.

- A. The order of suspension shall, if the permit is not reinstated, become a revocation fifteen (15) days after the order of suspension becomes effective, unless the subscriber or permittee initiates an appeal from the determination of the Fire Inspector.
- B. Where an appeal has been initiated, the order of suspension shall be stayed pending the determination of the said appeal.

§32-16. Surrender.

If any permit is revoked pursuant to this chapter, the subscriber or permittee shall surrender said permit to the Fire Inspector.

§32-17. Penalties for offenses.

- A. In addition to the other provisions of this chapter, persons in violation thereof shall be liable for civil penalties as follows:
- (1) Failure to have an alarm system permit: one hundred dollars (\$100) for each violation; provided, however, that until one (1) year from the effective date of this chapter, said penalty shall be deemed waived if the subscriber obtains an alarm system permit within ten (10) days of notification of the violation.
- (2) A violation of this chapter or any part thereof is declared to be an offense punishable by a fine. In the event that false alarms are transmitted, the Fire Inspector will issue a summons subjecting the owner or occupant of the premises to the following fines:

Number of False Alarms per 12-Month Period	Fine
First false alarm	No fine
Second false alarm	\$50.00
Third false alarm	\$100.00
Each additional	\$100.00

- B. Any person, firm or corporation who does not pay any charge or fee established in this chapter shall be subject to a fine not in excess of two hundred fifty dollars (\$250) for each offense. A separate offense shall be deemed committed, upon each day during which a violation occurs or is committed, and such violation shall be construed as a violation against this chapter.

§32-18. Enforcement.

All remedies shall be cumulative, and the use of one (1) or more remedies by the Village of Cold Spring shall not bar the use of any other remedy for the purpose of enforcing the provisions of this law. The amount of any fee shall be deemed a debt to the Village of Cold Spring. An action may be commenced in the name of the Village of Cold Spring in any court of competent jurisdiction for the amount of any delinquent permit fee or civil penalty. All permit fees shall be due upon issuance of the permit.

§ 32-19. Records.

- A. Information contained on applications for permits under this chapter shall be confidential.
- B. Records of avoidable alarms of subscribers shall be deemed to be confidential.
- C. Records of avoidable alarms on the equipment of any alarm business shall be indexed under the alarm business which installed and/or certified it to be in conformance with the standards and regulations adopted pursuant to this chapter. Said records shall be available to the public.
- D. All information on applications pertaining to avoidable alarms shall not be deemed confidential insofar as it is necessary to conduct any litigation under this chapter or to be provided to appropriate officials for fire protection purposes.
- E. The Fire Inspector shall retain all records regarding applications, avoidable alarms, reports, investigations and all other data necessary for compliance with this chapter.

§32-20. Amendment to fees.

All fees stated in this chapter may be changed by resolution of the Village Board.

§ 32-21. When effective.

This chapter shall become effective upon filing with the Secretary of State.